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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,648	01/16/2002	Dave Hamilton	3992P004X	8623
8791	7590	05/02/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,648

Applicant(s)

HAMILTON ET AL.

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 18-21 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-14, 16, 17 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn, USPN 6,026,293.

With regard to claims 1 and 14, Osborn discloses a system to uniquely identify a security device (SIM card), the security device coupled to a computing device (mobile phone), the computing device coupled to a server over a computer network (column 1 lines 55-60), the security device storing a serial number associated with the security device (ESN) and a user key associated with the serial number (secret key) that is unique to the security device (column 2 lines 59-60) in a secure memory (SIM card), a server (base station) coupled to a user information database storing a plurality of registered serial numbers (column 3 lines 2-5) and a plurality of user keys, each user key being associated with one of the plurality of registered serial numbers (column 3 lines 23-24) wherein, when the computing device attempts to log onto the server over the computer network (column 2 line 50), the server requests a serial number from the security device (column 2 line 50-54), verifies whether the serial number received from the security device is stored as one of the plurality of registered serial numbers in the

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user information database (column 3 lines 2-7); if the serial number is stored within the user information database, the server obtains the associated user key and computes a challenge (column 3 lines 20-28) and computes an expected response based on the associated user key (column 3 lines 31-33), the server sends the challenge to the security device over the computer network (column 3 lines 26-28), and if the server receives a response back from the security device in response to the challenge that matches the expected response, the server allows the computing device to log onto the server (column 3 lines 33-38).

With regard to claims 3 and 16, Osborn discloses the security device contains a microprocessor and memory (column 7 lines 65-66).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 9-13, 17, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn.

With regard to claim 4, Osborn discloses the key and algorithm are only used one-way (column 3 lines 24-36), but does not specify using a hash as this algorithm is necessarily a one-way hash. Osborn further discloses that one-way hash functions are good one-way functions (column 12 lines 37-42). I would have

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been obvious to use a one-way hash function for the algorithm for Osborn's given motivation that it is hard to falsify.

With regard to claims 9-13 and 22-26, Osborn discloses cell phone authentication as outlined above, and discloses downloading content to the phone (column 10 lines 52-54), but does not disclose downloading encrypted content and an encrypted key to decrypt the content. The examiner takes official notice that it is well known to send encrypted content with an encrypted key and an expiration date. It would have been obvious for one of ordinary skill in the art to have the base station send temporary content and an encrypted content key and to encrypt the content with that key to add a level of security and to not overuse the phone's private key.

### ***Conclusion***

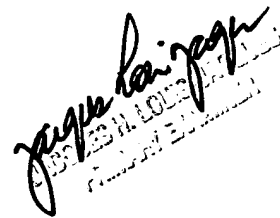
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL



Handwritten signature: *John H. Jones*  
Official stamp: **JOHN H. JONES**  
PATENT EXAMINER  
UNIT 2134